

---

By: **Delegates Brown, Amedori, Cane, Donoghue, Jameson, McComas,  
McHale, Mitchell, O'Donnell, Owings, and Zirkin**

Introduced and read first time: February 7, 2003

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Statute of Limitations - Minors**

3 FOR the purpose of altering the period within which an action for damages for certain  
4 injuries is required to be filed, if the claimant was under a certain age at the  
5 time the injury was committed; and generally relating to the limitations period  
6 for certain actions.

7 BY repealing and reenacting, with amendments,  
8 Article - Courts and Judicial Proceedings  
9 Section 5-109  
10 Annotated Code of Maryland  
11 (2002 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Courts and Judicial Proceedings**

15 5-109.

16 (a) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN  
17 action for damages for an injury arising out of the rendering of or failure to render  
18 professional services by a health care provider, as defined in § 3-2A-01 of this article,  
19 shall be filed within the earlier of:

20 (1) Five years of the time the injury was committed; or

21 (2) Three years of the date the injury was discovered.

22 [(b) Except as provided in subsection (c) of this section, if the claimant was  
23 under the age of 11 years at the time the injury was committed, the time limitations  
24 prescribed in subsection (a) of this section shall commence when the claimant reaches  
25 the age of 11 years.

1 (c) (1) The provisions of subsection (b) of this section may not be applied to  
2 an action for damages for an injury:

3 (i) To the reproductive system of the claimant; or

4 (ii) Caused by a foreign object negligently left in the claimant's  
5 body.

6 (2) In an action for damages for an injury described in this subsection, if  
7 the claimant was under the age of 16 years at the time the injury was committed, the  
8 time limitations prescribed in subsection (a) of this section shall commence when the  
9 claimant reaches the age of 16 years.]

10 (B) IF THE CLAIMANT WAS UNDER THE AGE OF 18 AT THE TIME THE INJURY  
11 WAS COMMITTED, AN ACTION FOR DAMAGES FOR AN INJURY ARISING OUT OF THE  
12 RENDERING OF OR FAILURE TO RENDER PROFESSIONAL SERVICES BY A HEALTH  
13 CARE PROVIDER, AS DEFINED IN § 3-2A-01 OF THIS ARTICLE, SHALL BE FILED  
14 WITHIN THE LATER OF:

15 (1) FIVE YEARS OF THE TIME THE INJURY WAS COMMITTED;

16 (2) THREE YEARS OF THE DATE THE INJURY WAS DISCOVERED; OR

17 (3) SIX MONTHS AFTER THE CLAIMANT REACHES THE AGE OF 18 YEARS.

18 [(d)] (C) For the purposes of this section, the filing of a claim with the Health  
19 Claims Arbitration Office in accordance with § 3-2A-04 of this article shall be  
20 deemed the filing of an action.

21 [(e)] (D) The provisions of § 5-201 of this title that relate to a cause of action  
22 of a minor may not be construed as limiting the application of subsection (b) [or (c)]  
23 of this section.

24 [(f)] (E) Nothing contained in this section may be construed as limiting the  
25 application of the provisions of:

26 (1) § 5-201 of this title that relate to a cause of action of a mental  
27 incompetent; or

28 (2) § 5-203 of this title.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2003.